

REMARKS

Claims 1 through 15 are pending in this Application. Applicants acknowledge, with appreciation, the Examiner's allowance of claims 1 through 6, 10 through 12, 14 and 15. Accordingly, the only remaining issue pivots about the patentability of claims 7 through 9 and 13.

Claims 13, 7/13, 8/7/13 and 9/7/13 were rejected under 35 U.S.C. § 103 for obviousness predicated upon Bhagavatula.

In the statement of the rejection the Examiner asserted that Bhagavatula discloses a dispersion between about -25 ps/nm/km and -15 ps/nm/km in a wavelength range of 1850 to 1700 nm and referred to Fig. 6, curve 66. The Examiner also asserted that the disclosed dispersion overlaps the claimed invention thereby rendering the claimed invention *prima facie* obvious. This rejection is traversed as factually inaccurate.

Applicants respectfully submit that the Examiner's rejection is predicated upon an apparent misunderstanding of the teachings of Bhagavatula. Specifically, the corresponding description of Fig. 6, curve 66, appears in column 6 of Bhagavatula, lines 29 through 31 which read as follows:

The fiber corresponding to curve 66 would provide **zero dispersion operation at about 1550 nm** (Emphasis supplied)

In other words, Bhagavatula discloses a dispersion about 3000 at 1550 nm, and does **not**, repeat **not**, disclose a dispersion between about -25 ps/nm/km and -15 ps/nm/km in a wavelength range of 1350 to 1700 nm. In fact, curves 64 and 64' in Fig. 6 show **a material dispersion** (column 6, lines 21 and 22), and curve 66 shows **a waveguide dispersion**. However, "**chromatic dispersion**", which is claimed, is the sum of a material dispersion and a waveguide dispersion. Applicants submit that the definitions of these three variables are well known to and would have been understood by one having ordinary skill in the art.

Based upon the foregoing it should be apparent that one having ordinary skill in the art would have recognized that Bhagavatula does **not**, repeat **not**, disclose or suggest a dispersion between about -25 ps/nm/km and -15 ps/nm/km in a wavelength range of 1850 to 1700 nm and, hence, do **not** disclose any overlap of the claimed invention. This being the case the Examiner's rejection must fall for lack of the requisition factual basis.

Applicants, therefore, submit that the imposed rejection of claims 13, 7/13, 8/7/13 and 9/7/13 under 35 U.S.C. § 103 for obviousness predicated upon Bhagavatula is not factually or legally viable, and, hence, solicit withdrawal thereof.

Based upon the foregoing it should be apparent that the imposed rejection has been overcome, and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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